

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARIKA A. HAYES; VAVSH PU,

Plaintiffs,

-against-

ACAP (NFPO); JOHN DOES 1-10,

Defendants.

24-CV-1883 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Arika Hayes brings this action *pro se*.¹ The complaint was submitted without a signature. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.” Fed. R. Civ. P. 11(a); *see* Local Civil Rule 11.1(a). The Supreme Court has interpreted Rule 11(a) to require “as it did in John Hancock’s day, a name handwritten (or a mark handplaced).” *Becker v. Montgomery*, 532 U.S. 757, 764 (2001).²

Moreover, the complaint appears to be a malformed document that is illegible on the docket. Plaintiff is therefore directed to resubmit a signed complaint within 30 days of the date of this order. If Plaintiff returns the complaint by mail or in person, it must have an original signature. If Plaintiff submits the complaint by email to ProSe@nysd.uscourts.gov, it must comply with the SDNY ECF Rules & Instructions and can be signed using an electronic

¹ If there are two plaintiffs, each must sign the complaint.

² Although a “typed name” does not satisfy the signature requirement in Rule 11(a), the Supreme Court has authorized courts “by local rule [to] permit papers to be filed, signed, or verified by electronic means.” *Becker*, 532 U.S. at 764. Documents filed in accordance with the SDNY Electronic Case Filing (ECF) Rules & Instructions comply with the local rules. *See* Local Civil Rule 5.2. The SDNY ECF Rules & Instructions, at Rule 1.1 and Appendix C, authorize *pro se* parties to sign documents submitted to the court by email using an electronic signature or typed name with /s/ in the signature block (for example, “/s/ John Doe”).

signature or typed name with /s/ in the signature block (“/s/ John Doe”). A typed name that does not include “/s/” to show that it is intended to be a signature, or that is not in the signature block, is insufficient.³ If there is more than one plaintiff, each must sign the complaint.

The signed complaint must bear the docket number of this order, 24-CV-1883 (LTS).

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: March 14, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge

³ For registered ECF filers, “[t]he user log-in and password required to submit documents to the ECF system serve as the Filing User’s signature on all electronic documents filed with the Court.” Rule 8.1 of the SDNY ECF Rules & Instructions. Non-attorneys proceeding *pro se* must request permission to register for ECF filing.